

Remarks/Arguments

Claims 1-13 and 18-23 are pending in this application, and are rejected in the final Office Action of June 24, 2009. Claims 1 and 21-23 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

Re: Rejection of Claims 1-13 and 18-23 under 35 U.S.C. §103(a)

Claims 1-13 and 18-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,513,161 issued to Horimai et al. (hereinafter, "Horimai") in view of U.S. Patent No. 4,907,216 issued to Rijnsburger (hereinafter, "Rijnsburger"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1, as amended herein, recites:

"A method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands, wherein the pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by bit cell signal transitions of the pits and lands from one side of the track center to another side of the track center, and the method comprises a step of alternately placing one of the pits with a first predetermined length and one of the lands with a second predetermined length adjacent to a position of one of the bit cell signal transitions." (emphasis added)

As indicated above, amended independent claim 1 recites a method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands. The pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by bit cell signal transitions of the pits and lands from one side of the track center to another side of the track center. Moreover, the method comprises a step of alternately placing one of the pits with a first predetermined length and one of the lands with a second predetermined length adjacent to a position of one of the bit cell signal transitions. Independent claims 21-23 are also amended herein to recite subject matter similar to independent claim 1.

Neither Horimai nor Rijnsburger, whether taken individually or in combination, discloses or suggests all of the features recited by independent claims 1 and 21-23. On page 2 of the final Office Action dated June 24, 2009, the Examiner admits that the primary reference, Horimai, fails to disclose all of the features of claim 1. In particular, the Examiner admits:

“Horimai et al. fails to teach a method for encoding by transitions of the pits and lands from one side of the track center to another side of the track center and storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands and including the step of arranging the pits and lands adjacent to bit cell signal transitions in a predefined manner.”

Applicants agree that Horimai is deficient in the aforementioned manner, and further note that Horimai also fails to disclose or suggest, *inter alia*, the feature of “alternately placing one of the pits with a first predetermined length and one of the lands with a second predetermined length adjacent to a position of one of the bit cell signal transitions” as now recited by amended independent claim 1 (and similar recited by amended independent claims 21-23).

The secondary reference, Rijnsburger, fails to remedy each of the deficiencies of Horimai. In particular, Rijnsburger teaches a method of bit cell modulation, wherein data is encoded based on the transitions of a track groove from one side of the track center to the other side of the track center, and the transitions are set in a predefined manner. However, contrary to the claimed invention, according to Rijnsburger the track itself is displaced, not the pits and lands. The pits and lands always remain on the center of the track. Moreover, as shown in FIG. 3b of Rijnsburger, there is no specific arrangement of the pits and lands adjacent to these transitions. The pits and lands adjacent to subsequent transitions are not identical, nor is their position relative to the transition identical. Therefore, Rijnsburger clearly does not disclose or suggest, *inter alia*, the feature of “alternately placing one of the pits with a first predetermined length and one of the lands with a second predetermined length adjacent to a position of one of the bit cell signal transitions” as now recited by amended independent claim 1 (and similarly recited by amended independent claims 21-23).

Accordingly, neither Horimai nor Rijnsburger, whether taken individually or in combination, discloses or suggests, *inter alia*, at least one notable feature of the claimed invention, namely, the feature of "alternately placing one of the pits with a first predetermined length and one of the lands with a second predetermined length adjacent to a position of one of the bit cell signal transitions" as now recited by amended independent claim 1 (and similarly recited by amended independent claims 21-23). As such, Applicants submit that claims 1-13 and 18-23 are non-obvious over the proposed combination of Horimai and Rijnsburger, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fee for the RCE to Deposit Account 07-0832.

Respectfully submitted,
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